THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 16

March 7, 2016

ACCESS TO SINGLE-SEX CITY FACILITIES CONSISTENT WITH GENDER IDENTITY AND EXPRESSION

WHEREAS, it is the policy of the City of New York to ensure that transgender and gender non-conforming people of the City live with dignity, free from violence and discrimination, and be treated with equity;

WHEREAS, the New York City Human Rights Law has expressly prohibited discrimination on the basis of gender identity and gender expression since 2002;

WHEREAS, it is necessary that transgender and gender non-conforming people be able to access single-sex facilities consistent with their gender identity and gender expression as a matter of safety and public health;

WHEREAS, it is the policy of the City of New York that transgender and gender non-conforming people be assured of their right to access to single-sex facilities controlled by the City so that they enjoy equal treatment in the terms and conditions of City employment and the ability to access City services;

NOW THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Definitions.

"Gender" includes an individual's actual or perceived: sex, gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned at birth.

"Gender expression" means the representation of gender as expressed through, for example, one's name, choice of pronoun, clothing, haircut, behavior, voice, or body characteristics. Gender expressions may not be distinctively male or female and may not conform to gender based stereotypes society assigns to specific gender identities.

"Gender identity" is one's internal deeply-held sense of one's gender, which may be the same or different from one's sex assigned at birth.

"Gender non-conforming" is an adjective used to describe someone whose gender expression differs from conventional expectations.

"Single-sex facility" means any facility which has separate designated spaces on the basis of sex or gender, which includes, but is not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces.

"Transgender" is an adjective used to describe an individual whose gender identity or expression is not typically associated with the sex assigned at birth.

Section 2. Single-Sex Facility Policy. All employees of City agencies ("Agencies") and all members of the public using City services must be allowed to use the single-sex facility within facilities owned or operated by the City that most closely aligns with their gender identity

or expression without being required to show identification, medical documentation, or any other form of proof or verification of gender.

Section 3. Implementation. All Agencies shall post the Single-Sex Facility Policy in conspicuous locations to their personnel and members of the public using their services within three months of the Effective Date of this Order. Agencies may seek guidance on implementation from the City Commission on Human Rights and Department of Citywide Administrative Services ("DCAS").

Section 4. Training. All Agencies shall provide supervisory and frontline staff training approved by DCAS on transgender diversity and inclusion, including the requirements of this Executive Order. The training for supervisory staff shall be completed within one year of the effective date of this Order and every two years thereafter. The training for frontline staff shall be completed within two years of the effective date of this Order and every two years thereafter. DCAS will make such training available to Agencies.

Section 5. Reporting. All Agencies must update their annual EEO plans to incorporate the training requirements in Section 4 of this Executive Order within three months of this Executive Order and report the steps undertaken to comply with this Executive Order to DCAS pursuant to EEO reporting requirements.

Section 6. Exemption. Pursuant to Section 8-107(4)(b) of the Administrative Code of the City of New York, the City Commission on Human Rights may grant an exemption to certain provisions of this Order based on bona fide considerations of public policy.

Section 7. Nothing in this Order shall be construed to prevent any Agency from

complying with existing state or federal law or regulations.

Section 8. Effective Date. This Order shall take effect immediately.

Bill de Blasio
Mayor